

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AUDIOVISUAL PUBLISHERS, INC.,

Plaintiff,

v.

ORDER
04-CV-98

MANOR CARE, INC.,
HERFF JONES, INC., AND
NYSTROM, INC.,

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1). On April 29, 2004, defendant Manor Care, Inc. filed a motion to dismiss. On September 27, 2006, Magistrate Judge Leslie G. Foschio filed a Report and Recommendation, recommending that defendant Manor Care Inc.'s motion to dismiss for lack of personal jurisdiction should be granted. Plaintiff filed objections to the Report and Recommendation on October 10, 2006, and defendants filed a response thereto. Oral argument on the objections was held on November 17, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Leslie G. Foschio's Report and Recommendation, defendant Manor Care Inc.'s motion to dismiss for lack of personal jurisdiction is granted. The case is referred back to Magistrate Judge Foschio for further proceedings.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 4, 2006